

### **REMARKS**

Claims 1-45 were examined in the outstanding office action mailed on 03/03/2008 (hereafter "Outstanding Office Action"). All claims were rejected. By virtue of this paper, claims 1, 7-10, 12, 18-20, 23, 29-32, 34 and 40-43 are sought to be amended, claims 6, 17, 28 and 39 are sought to be canceled, and new claims 46-49 are sought to be added. The amendments, cancellations, and additions are believed not to introduce new matter, and their entry is respectfully requested. The amendments and cancellations are made without prejudice or disclaimer. Claims 1-5, 7-16, 18-27, 29-38 and 40-49 are respectfully presented for consideration further in view of the below remarks.

#### ***Information Disclosure Statement (IDS)***

Applicant thanks the Examiner for considering and making of record the IDS filed on 07/08/2003. The Examiner is also thanked for acknowledging the same in the Outstanding Office Action.

#### ***Claim Rejections Under 35 U.S.C. § 103***

Claims 1-5, 12-16, 23-27 and 34-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wei (U.S. Patent #6560196), in view of Radhakrishnan *et al* (U.S. Patent Publication # 6049526). Claims 6, 17, 28 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wei (U.S. Patent # 6560196), in view of Radhakrishnan *et al*. (U.S. Patent Publication # 6049526), and in view of Chen (U.S. Patent # 5533009). Claims 7-9, 18-20, 29-32 and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wei (U.S. Patent # 6560196), in view of Radhakrishnan *et al* (U.S. Patent Publication # 6049526), and in view of Chen (U.S. Patent # 5533009), and further in view of Turner (U.S. Patent Publication #5179556). Claims 10, 21, 32 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wei (U.S. Patent # 6560196), in view of Radhakrishnan *et al* (U.S. Patent # 6049526), Chen (U.S. Patent # 5533009), and Turner (U.S. Patent Publication #5179556), and further in view of Ukon (U.S. Patent Publication #20010008529). Claims 11, 22, 33 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wei (U.S. Patent # 6560196), in view of Radhakrishnan *et al* (U.S. Patent

# 6049526), Chen (U.S. Patent # 5533009), and Turner (U.S. Patent Publication #5179556) and further in view of Kalkunte et al. (U.S. Patent Publication #20030231635).

Without acquiescing to any of the Examiner's contentions, it is submitted that the presented claims are allowable at least over the portions of the prior art relied upon by the Examiner.

For example, with respect to currently amended (now independent) claim 7, it is first pointed out that the Examiner did not map the claimed feature of "incrementing said VC-credit counter by one **if said line slot credit counter is equal to or greater than said inter-cell delay ...**" (**Emphasis Added**). The relevant portion of the Outstanding Office Action is reproduced below for the convenience of the Examiner, to notice the absence of the emphasized feature :

... incrementing said VC-credit counter by one (column 15, lines 45-56 (l.sub.i is incremented)) if said VC-credit counter is already not equal to said maximum number (column 15, lines 45-49 (l.sub.i\_m));  
(Page 10 lines 9-11 of the Outstanding Office Action)

For this reason alone the outstanding rejection under 35 U.S.C. § 103 is prima facie defective at least as respects to claim 7. However, to advance prosecution, Applicants offer the following additional remarks in respect of currently amended independent claim 7.

The Examiner appears to have misconstrued the claimed 'VC-credit' in finding the related features in Chen. Accordingly, first explain the term and the differences as pertaining to Chen.

The claimed VC-credit counter is incremented (but not to exceed a corresponding maximum value) when the line slot credit exceeds the intercell delay and decremented when a cell is scheduled for transmission.

Such a feature, at least in the example contexts of Figures 4A-4C of the subject patent application, has the effect of indicating the number of cells (subject to a maximum value) that

**should have been transmitted for the corresponding virtual circuit, but were not transmitted, consistent with the bandwidth allocated for the virtual circuit.**

Furthermore, the value of the VC-credit variable for a virtual circuit indicates how many cells are entitled to be transmitted for that virtual circuit at this point (present time slot).

5           The Examiner (see rejection of claim 6 on page 8 lines 12-19 and also rejection of claim 7 on page 10 lines 1-4 of the Outstanding Office Action) incorrectly equates the claimed VC credit with the 'backlog' for a virtual circuit in Chen. Some of the portions of Chen, which clarify the differences from the claimed VC-credit are reproduced below:

10           Following the cell admission step 146 is a test step 148 which determines whether the  $VC_i$  transitions from the unscheduled state 144 to another state. At the test step 148, the variables  $l_i$  and  $e_i$  are examined. The variable  $l_i$  represents the **backlog**, in number of cells, for  $VC_i$ . That is,  **$l_i$  equals the number of cells received by the bandwidth management unit for  $VC_i$  that have not**  
15           **been output by the bandwidth management unit.** The variable  $e_i$  is a variable indicating whether  $VC_i$  has been enabled by the data node that is being serviced by the bandwidth management unit. That is, the data node that is connected to the bandwidth management unit can either enable or disable  $VC_i$ . For a virtual  
20           connections that is not enabled, the bandwidth management unit receives inputted cells but does not output the cells. (Col. 10 lines 48- 62 of Chen, **Emphasis Added**)

25           From the above, it may be readily appreciated that the backlog referred to above refers to the cells present in the queue (not yet output) for the corresponding VC, not the number of cells that are entitled to be transported for the corresponding virtual circuit according to the bandwidth allocated.

          In view of this difference, the variable  $l_i$  of Chen is not operated akin to the claimed VC-credit of currently amended claim 7.

30           In particular, it is believed that any modifications to  $l_i$  of Chen would reflect the number of cells **buffered** (in one of the queues) **and not yet transmitted** for that virtual circuit.

At least for such a reason, the portions of Chen relied upon by the Examiner do not anticipate the invention of currently amended independent claim 7.

Currently amended independent claim 7 is accordingly allowable over the portions of the art of record relied upon by the Examiner. Claims 8-11, 46 and 1-5 depend from claim 7 and are thus allowable at least for the reasons noted above with respect to claim 7.

New claim 46 is independently allowable in reciting that the VC credit counter is incremented when one of the two conditions recited there are true.

Currently amended claim 8 is also independently in reciting the manner in which PCR is also enforced (in addition to allocated bandwidth) using another set of variables associated with each virtual circuit having a PCR requirement.

The remaining independent claims and the respective corresponding base claims are allowable at least for some of the reasons noted above.

### ***Conclusion***

Accordingly all the objections and rejections of record are believed to be overcome. Continuation of examination is respectfully requested. The Examiner is invited to telephone the undersigned representative at 707.356.4172 if it is believed that an interview might be useful for any reason.

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Respectfully submitted,  
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Signature

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